

Office of Professional Regulation

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This memorandum provides guidance regarding your annual reporting duties as an Iowa lawyer, with respect to the continuing legal education (CLE) and client security reports due March 1, 2013.

Unless you are granted an exception, you are required to file your annual reports online. The professional regulation web site will be ready to accept your annual continuing legal education (CLE) report, your annual client security report, and associated fee payments on December 26, 2012. *Most lawyers will have two separate reports to file - one for the Commission on CLE and one for the Client Security Commission.* (Registered House Counsel will file the annual client security report this year, but not the annual CLE report. In 2014, registered house counsel will have to file both reports. Lawyers who are in inactive status with one of the commissions will only have one report to file, for the commission with which they are still active.)

Your annual reports must be filed and the associated fees paid by March 1, 2013 to avoid late filing fees. Your annual reports must be filed online at the professional regulation web site: <http://www.iacourtcommissions.org>

Quick Filing Instructions: The web address for the professional regulation site is: <http://www.iacourtcommissions.org> Your user name and password are the same as last year, unless you have changed your password or made an official name change in the interim. If you have forgotten or misplaced your password, you should use the "Forgot Password" link on the front page of the site to select a new password. See the instructions below on resetting a password. The staff at the Office of Professional Regulation does not have access to your password if you have changed it. If you have never received your user name and password, you may call the Office of Professional Regulation at (515) 725-8029 to request your password and access instructions. If all else fails, the staff at the Office of Professional Regulation can give you your user name and reset your password for you, but the process sometimes is not immediate, so you should allow time for this process if it is necessary. Once you have accessed your account on the web site, the basic steps for the annual filing are:

- Update your personal information [menu item – Maintain Personal Information]
- Add your CLE classes for the year to your transcript [menu item – Maintain CLE Transcript]
- File your annual CLE report and pay your fees [menu item – Submit Annual CLE Report].
- File your annual client security report and pay your fees [menu item – Submit Annual Client Security Report].

How to Reset Your Password:

- Go to the web page : <http://www.iacourtcommissions.org>
- Click on "Forgot Password"
- Click on "Get Lost Password"
- Use the pull-down to select "Supreme Court Commissions" and then click "Next"
- Put your user name in the block entitled "Account ID" and click on "Forgot Password"
- Enter your answers to the two baseline identity questions, and click on "Continue"

- If you have not already done so, record your identity baseline questions and answers for future use
- Follow the remaining screens to set your new password
- Log out of the A&A Function, and close the browser window
- Execute a fresh login to the professional regulation page (<http://www.iacourtcommissions.org>), using your new password
- Record your new password for future use

Extensions of Time to File the Continuing Legal Education (CLE) Report: Iowa Court Rule 42.5 authorizes the Commission on Continuing Legal Education to grant waivers of minimum regular CLE requirements or extensions of time in which to fulfill the requirements and file required reports. You may request an extension of time by using the menu item “File for Regular CLE Extension” on your lawyer account page. The Commission does grant extensions of time when circumstances warrant, but generally does not grant outright waivers of the requirements. You must provide a statement of the hardship or extenuating circumstances upon which your application is based, and a statement of the relief you are seeking. There is no extension fee if the request is submitted on or before January 15th following the calendar year in which the CLE should have been completed. A \$25 extension fee is payable with any regular CLE extension request submitted after January 15th following the year in which the CLE should have been completed. *An approved extension of time to file the annual CLE report does not extend the time for filing the annual client security report, which must be filed by March 1, 2013.*

Ethics Requirement: The ethics requirement now is three hours every ethics biennium, beginning with the 2012-2013 ethics biennium. Sometime during 2012 and 2013, you will need to attend at least three hours of accredited legal ethics. (Ethics hours attended during the 2010-2011 biennium do not carry forward for use in the 2012-2013 ethics biennium.) The subsequent ethics biennium will be 2014-2015. Although instruction tailored for lawyers regarding mental health or substance abuse now is eligible for ethics credit, there is no requirement that any part of the three ethics hours to be attended per biennium be devoted to the mental health or substance abuse topics. We are encouraging sponsors to include instruction on those topics in seminars, however.

Coming CLE Requirement for Registered House Counsel: Lawyers registered as house counsel do not have a CLE attendance requirement during 2012, and are not required to file the annual CLE report for 2012. Beginning January 1, 2013, registered house counsel will have the same CLE attendance requirements as other active lawyers. Registered house counsel will need to attend at least fifteen hours of CLE during 2013, including at least three hours of ethics. Registered house counsel will be required to file an annual CLE report due March 1, 2014, along with an annual client security report.

Fees Payable with the Annual CLE Report: A fee of \$10 for support of the CLE system will be collected with your annual CLE report. The total fees collected with the annual CLE report therefore will be \$10, unless a late filing fee is assessed.

Fees Payable with the Annual Client Security Report: A fee of \$175 for support of the lawyer disciplinary system will be collected with the client security report. An assessment of \$25 or \$50 for the Client Security Trust Fund, depending on filing status, also will be collected with the client security report from all lawyers who have not yet paid at least \$200 into the fund. The total fees collected with the annual client security report therefore will be \$175 for most lawyers, but for lawyers admitted in recent years the total fees collected with the client security report will be \$200 or \$225, depending on filing status. If a late filing fee is assessed, the total amount due will be greater.

Exceptions to Electronic Filing: For good cause, the director of the Office of Professional Regulation may authorize filing of a report and payment of fees in paper form. Exceptions are not routinely granted. If you believe your situation constitutes good cause for an exception, you may apply by letter addressed to the Director, Office of Professional Regulation, at the address indicated in the heading of this letter, stating the basis for your request. There is no fee associated with a request for exception to electronic filing.

Client Security Report Includes Optional Questions Regarding Pro Bono Activities:

The annual client security questionnaire includes questions regarding support of pro bono activities. These questions are intended to accomplish two objectives. The first objective is to compile general statistical information regarding the support Iowa lawyers provide each year for pro bono activities. The second objective is to facilitate positive recognition of those lawyers who provide significant support for pro bono activities. You are not required to answer these questions, but you are encouraged to do so to assist with the objectives noted above. If you do not want to answer these questions, you may select the response "Decline to Answer."

Consolidated Payment of Lawyer Fees by Law Firm or Other Employer: It is possible for a law firm or other employer to make a consolidated online payment of the client security and continuing legal education fees owed by the firm's lawyer employees. There is no additional charge to an employer for online payment of fees on behalf of its lawyers. If a firm elects to use the online law firm fee payment capability, the firm must instruct its lawyers to wait to file their annual reports until after the firm has paid their fees for the year on their behalf. After the firm has paid the fees shown due for them, the lawyers will be able to file their annual reports online and no additional fee will be payable by them incident to the report filing, unless they file their reports late and a late filing fee is assessed. To get set up or for more information, contact the OPR staff at telephone (515) 725-8029 or by e-mail to cle@iowacourts.gov.

Late Reports: A penalty of \$100 will be assessed for each report filed up to one month late, \$150 for each report filed more than one month and up to two months late, and \$200 for each report filed more than two months late. The notice period prior to suspension for noncompliance is 15 days. Emailing or faxing a report does not constitute filing. Filing deadlines will not be extended for a lawyer who encounters a system difficulty or other technical issue shortly before the filing deadline.

Certificates of Exemption: If you do not practice law in Iowa and your present position does not require you to be eligible to practice law in Iowa, you may wish to apply for certificates of exemption. You may use the menu item "Apply for Certificate of Exemption" on your lawyer account page to apply for certificates of exemption.

Duty to Supplement Answers: It is your responsibility to notify the Office of Professional Regulation within 30 days of any change in your name, address, telephone number, employment, email address, or trust account information. Please submit changes in your personal information using the "Maintain Personal Information" menu item on your lawyer account page.

Six Hour Limit on Credit for On-Demand Webcast Events: A maximum of six hours may be claimed each year for events accredited as on-demand webcasts. The six hour limit does not apply to live events, such as live telephone conferences and live webcast events. See Iowa Court Rule 42.3(d)(distinguishing live events and computer-based events). The online filing system will automatically apply the six hour limit when you file your annual report.

Advice Regarding CLE for Lawyers Admitted During 2012: If a lawyer admitted during 2012 attends any hours of accredited CLE between his or her date of admission and the end of 2012, all course work attended and reported (up to a maximum of thirty hours) can be carried forward to apply against the 2013 requirement. Calendar year 2013 will be the first year that a lawyer

admitted during 2012 will have to *attend regular CLE*. By the end of calendar year 2013, a lawyer admitted during 2012 will need to complete a minimum of fifteen (15) clock hours of accredited activities. A lawyer admitted during 2012 will need to complete a minimum of three (3) clock hours of legal ethics credit during the two year period 2012 and 2013. A lawyer admitted during 2012 is required to file the annual CLE report for the year ending December 31, 2012 and pay the required assessment even if he or she does not attend any accredited continuing legal education activities in 2012. This report and the associated fee must be filed online at the professional regulation website.

Advice Regarding Client Security Reporting for Lawyers Admitted by *Examination* During 2012: Lawyers admitted during 2012 were required to submit their initial client security report in paper form within thirty days of admission. Lawyers admitted during 2012 must file a second client security report electronically at the professional regulation website on or before March 1, 2013. When this report is filed, the annual disciplinary fee (\$175.00) for support of the disciplinary system will be collected, unless the lawyer qualifies for one of the exemptions specified in the rules. When a lawyer admitted during 2012 files the report due the year thereafter (in early 2014), the annual disciplinary fee will be collected, plus the lawyer will begin paying his or her assessment for the client security fund, unless the lawyer qualifies for one of the exemptions specified in the rules.

Advice Regarding Client Security Reporting for Lawyers Admitted by *Motion* During 2012: Lawyers admitted by motion during 2012 were required to submit their initial client security report in paper form within thirty days of admission, along with the 2012 annual \$175.00 fee for support of the disciplinary system and an assessment for the client security fund. For lawyers admitted on motion during 2012, the next (second) report must be electronically filed at the professional regulation website on or before March 1, 2013. When this second report is filed, the annual \$175.00 fee for support of the disciplinary system will be collected, plus the lawyer will continue paying his or her assessment for the client security fund as computed under Iowa Court Rule 39.6, unless the lawyer qualifies for one of the exemptions specified in the rules.

Rule 41.9 Report: The lawyer advertising provisions of Iowa Rules of Professional Conduct were revised on August 28, 2012, to be effective January 1, 2013. The rule 41.9 report and CLE attendance requirements previously required to designate a field of practice or to use the terms “practice limited to” or “practicing primarily in” a field of practice no longer are required, and will be eliminated from the menu on your lawyer account page. You still have the ability to view the rule 41.9 reports you filed in previous years, if any.

Should you have any questions or comments, please contact the Office of Professional Regulation, at (515) 725-8029.